



3721

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Todd Hoekstra

Serial No.: 09/932,745

Group Art Unit: 3721

Filed: August 17, 2001

Examiner: John Roger Paradiso

For: CONTINUOUS WEB OF BREATHER POUCHES AND AUTOMATED
METHOD OF PACKAGING MEDICAL DEVICES UTILIZING SUCH
POUCHES

Docket: 16-604

Watts, Hoffmann Co., L.P.A.
P.O. Box 99839
Cleveland, Ohio 44199-0839
216/241-6700
216/241-8151 (facsimile)

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION TRANSMITTAL

Dear Sir:

As promised in our response mailed February 12, 2004, we are transmitting a Declaration
of the Applicant.

Respectfully Submitted,

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I hereby certify that this paper is being deposited
today with the U.S. Postal Service as 1st Class
Mail addressed to the Assistant Commissioner
for Patents, P.O. Box 1450, Alexandria, VA
22313-1450

By Thomas E. Fisher
Registration 18, 271

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on 2/26/04

By: [Signature]



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DECLARATION

Now comes TODD HOEKSTRA and declares that:

1. He is the applicant in the above-identified patent application. That prior to filing the application, he had sought to have prototype products of the type disclosed and claimed in the application manufactured by licensees of DuPont who manufacture sterilizable bags.
2. He is informed and therefore he believes that DuPont has licensed twelve, and only twelve, businesses to manufacture sterilizable pouches using the DuPont trademarked Tyvek product.
3. He contacted each of the twelve known licensees in an effort to obtain prototypes of the product here disclosed and claimed. All twelve licensees declined to even attempt to produce prototypes; some without explanation while others indicated they did not have the capabilities of producing such prototypes.

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4. At least some of the twelve licensees manufacture sterilizable packages and sell them both as individual packages and in sheet form where there are multiple number of packages connected together with a common substate. There is no provision for facile separation of the packages but rather it is necessary for the user to cut the packages apart with scissors or other cutting implement.

5. He commenced to experiment with perforating interconnected sterilizable packages in which the permeable membrane was the Tyvek product. He found this to be extremely difficult because the Tyvek material is very strong and resists any provision for facile separation without a cutting implement. In due course, through considerable study and experimentation, he was able to produce prototype webs of interconnected sterilizable packages that could be effectively loaded, sealed, and separated from the web using a commercial Automated Packaging bagging machine sold under the trademark AUTOBAG.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patent issued thereon.

Date:

Feb 17, 2004
TODD HOEKSTRA